

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SAMUEL HAYWOOD MYLES,

Plaintiff,

v.

OFFICER GETIT and A. WEBER,

Defendants.

ORDER

11-cv-508-slc

Plaintiff Samuel Haywood Myles, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, has submitted a proposed complaint. Plaintiff has not paid the \$350 filing fee or submitted a certified copy of his six-month trust fund account statement. I can construe his complaint to include a request for leave to proceed *in forma pauperis*. Even so, because plaintiff is a prisoner, he is required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act to pay an initial partial payment of the \$350 filing fee. I cannot calculate plaintiff's initial partial payment yet because he did not submit a trust fund account statement with his complaint.

Plaintiff filed his complaint on July 13, 2011. Now he must file a trust fund account statement that covers the six-month period beginning around January 13, 2011 and ending around July 13, 2011. Once plaintiff has submitted this account statement, I will calculate his initial partial payment and tell him the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2). Plaintiff should show a copy of this order to prison officials to make sure that they are aware they should send a copy of plaintiff's six-month trust fund account statement to this court.

ORDER

IT IS ORDERED that plaintiff Samuel Myles may have until August 9, 2011, in which to submit a certified copy of his trust fund account statement for the period beginning approximately January 13, 2011 and ending approximately July 13, 2011. If, by August 9, 2011, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 19th day of July, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge